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2 An act for the relief of J.N., a minor, by  
3 Hillsborough County; providing an appropriation to  
4 Stephany Grullon, as parent and guardian of J.N., to  
5 compensate J.N. for injuries and damages she sustained  
6 as a result of the negligence of Hillsborough County  
7 in maintaining sidewalks and culvert systems;  
8 providing a limitation on compensation and the payment  
9 of certain fees and costs; providing an effective  
10 date.

11  
12 WHEREAS, on the afternoon of June 7, 2019, J.N., then 11  
13 years of age, was riding her bicycle, accompanied by her  
14 mother's fiancé, Gabriel Soto, on a sidewalk located along the  
15 east side of East Bay Road and adjacent to the East Bay Lakes  
16 subdivision in Gibsonton, and

17 WHEREAS, the sidewalk is owned and maintained by  
18 Hillsborough County, and

19 WHEREAS, J.N. was wearing her helmet while riding her  
20 bicycle when her bicycle wheel hit an uneven area of the  
21 concrete slab sidewalk, causing her to lose control of her  
22 bicycle and tumble down a steep slope next to the sidewalk, and

23 WHEREAS, J.N. careened face forward over the bicycle's  
24 handlebars into a concrete and corrugated metal drainage culvert  
25 pipe and lacerated portions of her gums, fractured her jaw, and  
26 avulsed multiple adult teeth, and

27 WHEREAS, J.N. was rushed to the emergency room at St.  
28 Joseph's Hospital, where she underwent a CT scan that revealed  
29 fractures of the nasal bone, the maxilla, and the superior

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alveolus, and

WHEREAS, the severity of her injuries required plastic surgery intervention, and on June 8, 2019, J.N. underwent a surgical procedure consisting of exploration and removal of the gingiva impacted into her nasal structures and into the upper maxilla, repair of the midline laceration of her upper lip, and repair of her gingiva and lower lip vermilion, and

WHEREAS, on June 14, 2019, J.N. underwent a second surgery consisting of a closed reduction of her nasal fracture, and

WHEREAS, on February 20, 2021, J.N. was seen by Pediatric Epilepsy and Neurology Specialists due to headaches that she experienced as frequently as once or twice a week and which had first started shortly after the accident, and

WHEREAS, on March 16, 2022, J.N. was seen by an oral surgeon at the Moffett Oral Surgery and Dental Implant Center, during which time she was informed that she would need a bone graft and eventually an implant, and

WHEREAS, J.N. has to wait for her bones to finish growing before Dr. Moffett can proceed with the bone graft, which he expects will be when J.N. is 16 or 17 years old, and

WHEREAS, after J.N. heals from her bone graft, Moffett Oral Surgery and Dental Implant Center will then begin the process for implants and, eventually, crowns, and

WHEREAS, along with the medical treatment and bills associated with this injury, J.N. has suffered intangible and emotional losses, has experienced an extreme loss of self-esteem, and struggles socially with her peers, and

WHEREAS, Hillsborough County was on notice that the same section of sidewalk where J.N. had her accident was in need of

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repair and replacement as early as October 7, 2015, as evidenced by the filing of a work request order, and

WHEREAS, in 2016, Juan Olivero Lopez, a Hillsborough County maintenance supervisor responsible for sidewalk maintenance, stated that he was directed by the county to inspect the sidewalk, and

WHEREAS, Juan Olivero Lopez further stated that, in response to the work request order, the South Service Unit performed a physical inspection of the sidewalk before the date of the accident, but that repairs to make the sidewalk safe were never performed, and

WHEREAS, the drainage ditch and culvert system located next to the sidewalk were also in need of maintenance and repair, as evidenced by the extensive deterioration of the concrete and corrugated metal drainage culvert pipe, which had become jagged and rusted, and

WHEREAS, Hillsborough County employee William Cox, a civil engineer responsible for drainage culvert replacement and planning, stated that he was not responsible for the maintenance of the culvert, and

WHEREAS, Juan Olivero Lopez stated that, in his capacity as a maintenance supervisor of the South Service Unit, he was not responsible for the maintenance of the culvert, and

WHEREAS, clearly there was a gap in assigning or accepting responsibility for maintenance of the culvert, and the resulting failure to repair the drainage ditch and culvert system, coupled with the failure to repair or replace the sidewalk, contributed to the severity of J.N.'s injuries, and

WHEREAS, J.N.'s parent and guardian, Stephany Grullon, and

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Hillsborough County entered into a settlement and release agreement on September 20, 2022, in which the county agreed to pay Stephany Grullon \$600,000 to settle all claims, and

WHEREAS, Hillsborough County paid \$200,000, the sovereign immunity limit under s. 768.28, Florida Statutes, to Stephany Grullon within 20 days after entering into the settlement and release agreement, and

WHEREAS, Hillsborough County acknowledged and agreed not to oppose a legislative claims bill that would be filed during the 2023 Regular Session of the Legislature or in a subsequent legislative session for the additional \$400,000, and

WHEREAS, the \$200,000 statutory limit under s. 768.28, Florida Statutes, has been paid to Stephany Grullon, but the balance of \$400,000 remains unpaid, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. Hillsborough County is authorized and directed to appropriate from funds of the county not otherwise encumbered and draw a warrant in the sum of \$400,000 payable to Stephany Grullon, as parent and guardian of J.N., to be placed in a trust created for the exclusive use and benefit of J.N. for injuries and damages sustained.

Section 3. The amount paid by Hillsborough County pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation

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described in this act which resulted in injuries and damages to  
J.N. The total amount paid for attorney fees and costs, lobbying  
fees, and other similar expenses relating to this claim may not  
exceed 25 percent of the total amount awarded under this act.

Section 4. This act shall take effect upon becoming a law.